**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO.3845 OF 2004**

Smt.Mohini Sudhir Hatkar ...Petitioner

Vs.

Kandivali Satluj C.H.S.Ltd. & Ors. ...Respondents

Mr.Ghadge i/b Mr.A.S.Desai for the Petitioner
Mr. A.A.Garge for the Respondent No.2.

**CORAM: A.S.OKA, J.**
**DATED: JANUARY 27,2006.**

**P.C.:**

1. Heard Advocates for the parties. An Application was made by the present Petitioner under Section 23 and/ or 30 of the Maharashtra Cooperative Societies Act, 1960 for grant of membership of the Respondent No.1-Society before the Deputy Registrar of the Cooperative Societies. In the said Application, the Petitioner and the Respondent No.2 both claimed to be legally wedded wives of one Sudhir who is the son of the original member. The Deputy Registrar of the Cooperative Societies rejected the application by observing that there was a dispute regarding heirship and the Petitioner has not produced heirship certificate. The Revision Application preferred by the Petitioner against the order passed by the Deputy Registrar of the Cooperative Societies has been rejected by the Revisional Authority.

2. There is a serious dispute between the Petitioner and the Respondent No.2 regarding heirship to the original member. In view of this position, the Deputy Registrar has not entertained the Application made by the Petitioner. Neither the Deputy Registrar nor the Revisional Authority has decided the Application in favour of the Respondent No.2. Both the Petitioner and the Respondent No.2 will have to establish their right by approaching the Competent Court.

3. Subject to what is stated above, there is no merit in the Petition and the same is rejected.

**Judge.**